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January 29, 2024

Hon. John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, New York 10007

Re: Y.S., et al. v. New York City Dept. of Educ., 1:23-cv-07317-JPC

Dear Hon. Cronan:

I am the attorney assigned to Plaintiff's above-captioned case at Cuddy Law Firm, P.L.L.C. I write this letter motion with opposing counsel, seeking to file the administrative record under seal, pursuant to the parties' November 30, 2023 proposed schedule, which was so ordered on December 5, 2023. ECF 13, 16.

As the Court is aware, this matter concerns S.F., a minor child with a disability, who has a regularly recognized and established right to privacy concerning the type of documents proposed; namely, the administrative record of an Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.*, impartial due process hearing. Pursuant to Rule 4.A-B of Your Honor's Individual Rules & Practices in Civil Cases, the parties have met and conferred, and understand that the administrative record itself is also replete with Individualized Education Program ("IEP") documents, student assessments, data collection on the student, and similar records that are independently confidential. Notably, in addition to the IDEA and the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, New York's regulations implementing the IDEA require the confidentiality and preservation thereof as to personally identifiable data, information, or records pertaining to students with disabilities. 8 N.Y.C.R.R. §§ 200.2(b)(6), (b)(11)(ii), 200.5(e).

Due to the administrative record's voluminous size, the undersigned will file the proposed sealed document as four exhibits. Exhibit A is Bates stamped S.D.N.Y. Bates – 0001 – 0269; Exhibit B is Bates stamped S.D.N.Y. Bates – 0270 – 0518; Exhibit C is Bates stamped S.D.N.Y. Bates – 0519 – 0799; and Exhibit D is Bates stamped S.D.N.Y. Bates – 0800 – 1077.

Thank you for your attention to and consideration of this matter.

Respectfully,

s/ Benjamin M. Kopp
Benjamin M. Kopp

The request is granted. The administrative record, Dkt. 18, may be filed under seal.

SO ORDERED
Date: February 2, 2024
New York, New York

JOHN P. CRONAN
United States District Judge